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17 COMPANY

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1 JON PAUL SIMS, MICHAEL B.
2 BAGLEY, and JEFFERY A. PFEIFFER,
3 each individually, and on behalf of all
4 others similarly situated.

5 Plaintiff,

6 vs.

7 METROPOLITAN LIFE INSURANCE
8 COMPANY AND DOES 1 THROUGH
9 100, inclusive,

10 Defendant.

Case No. 05 CV 2980 (TEH)

**STIPULATION TO CONTINUE
HEARING; ~~PROPOSED~~ ORDER**

The Honorable Thelton E. Henderson

WHEREAS, there are four motions currently pending before the Honorable Thelton E. Henderson, to wit: Plaintiffs' Motion for Summary Adjudication, Defendant's Motion for Summary Judgment, Plaintiffs' Motion for Class Certification, and Plaintiffs' Motion to Strike Defendant's Counterclaims;

WHEREAS, all four of the above described Motions are set for hearing on November 27, 2006 in the above-entitled Court;

WHEREAS, the parties agreed to mediate this matter before a recognized mediator in early December;

WHEREAS, the parties believe that a continuance of the hearing on the above described Motions would preserve the status quo and allow the parties to focus all their efforts on a successful mediation;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the parties that the hearing on Plaintiffs' Motion for Summary Adjudication, Defendant's Motion for Summary Judgment, Plaintiffs' Motion for Class Certification, and Plaintiffs' Motion to Strike Counterclaims shall be continued to December 18, 2006 or to a date most convenient for the Court thereafter.

Dated: November 15, 2006

MORGAN, LEWIS & BOCKIUS LLP

By: *Rebecca D. Eisen*

Rebecca D. Eisen
Attorneys for Defendant
METROPOLITAN LIFE INSURANCE
COMPANY

Dated: November 15, 2006

THE EDGAR LAW FIRM

By: *Donald S. Edgar*

Donald S. Edgar
Jeremy R. Fietz
Attorneys for Plaintiffs

IT IS ORDERED THAT THE HEARING ON PLAINTIFFS' MOTION FOR SUMMARY ADJUDICATION, DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S COUNTERCLAIMS BE CONTINUED TO Monday, 01/08/07 at 10:00 am

Dated: November 16, 2006

Thelton E. Henderson

